

HOUSE BILL NO. 44

INTRODUCED BY S. DICKENSON

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING REVENUE RECEIVED BY THE MONTANA SCHOOL FOR THE DEAF AND BLIND FOR THE ADMISSION OF NONRESIDENT CHILDREN FROM THE REQUIREMENT TO SPEND NONGENERAL FUND MONEY BEFORE GENERAL FUND MONEY; AMENDING SECTIONS 17-2-108 AND 20-8-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 17-2-108, MCA, is amended to read:

"17-2-108. Expenditure of nongeneral fund money first. (1) Except for the exemptions applicable to the Montana historical society in 22-3-114(5), the Montana state library in 22-1-226(5), the Montana school for the deaf and blind in 20-8-107(5), and the department of public health and human services in 53-1-612, an office or entity of the executive, legislative, or judicial branch of state government shall apply expenditures against appropriated nongeneral fund money whenever possible before using general fund appropriations.

(2) Except as provided in 53-1-612, the approving authority, as defined in 17-7-102, shall authorize the decrease of the general fund appropriation of an agency by the amount of money received from federal sources in excess of the appropriation in an appropriation act unless the decrease is contrary to federal law, federal rule, or a contract or unless the approving authority certifies that the services to be funded by the additional money are significantly different than those for which the agency received the general fund appropriation. If directed by an appropriation act, the approving authority shall decrease the general fund appropriation of an agency by the amount of money received from nonfederal sources in excess of the appropriation unless the decrease is contrary to state law, state rule, or a contract or unless the approving authority certifies that the services to be funded by the additional money are significantly different than those for which the agency received the general fund appropriation. If the general fund appropriation of an agency is decreased pursuant to this section, the appropriation for the fund in which the money is received is increased in the amount of the general fund decrease.

(3) If directed by an appropriation act, the approving authority may decrease a state special revenue, proprietary, or other fund appropriation of an agency by the amount of money received from federal sources in

1 excess of the appropriation unless the decrease is contrary to state or federal law or federal rule. The
2 appropriation for the fund in which the money is received is decreased by the amount of the federal special
3 revenue increase allowed by law, rule, or contract and approved for the purpose."

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5 **Section 2.** Section 20-8-107, MCA, is amended to read:

6 **"20-8-107. Admission of nonresident children and advance payment of cost -- Indian children.**

7 (1) Hearing impaired or visually impaired children who are not residents of the state of Montana may be admitted
8 to the Montana school for the deaf and blind after proper application for admission, subject to all eligibility
9 requirements prescribed for children who are residents of the state if:

10 (a) the school is paid in advance a sum of money for each child equal to an estimate of the whole per
11 capita cost of maintaining the school during the year immediately preceding the date of the application; and

12 (b) the full capacity of the school is not required for children who are residents of the state.

13 (2) The Montana school for the deaf and blind is authorized to negotiate with an out-of-state educational
14 institution to place a student at the school. If a group of out-of-state students attends the Montana school for the
15 deaf and blind, the educational institution of the other state shall pay in advance to the Montana school for the
16 deaf and blind an amount of money for each student determined as a result of a negotiated agreement between
17 the superintendent of the Montana school for the deaf and blind and the out-of-state educational institution. The
18 agreement must be approved by the board of public education.

19 (3) Indian children who are Montana residents are eligible for admission and must be admitted to the
20 school on the same terms as residents.

21 (4) The money paid by an out-of-state institution must be deposited in a state special revenue account
22 and is statutorily appropriated, pursuant to 17-7-502, to the Montana school for the deaf and blind for educational
23 purposes.

24 (5) The provisions of 17-2-108 that require the expenditure of nongeneral fund money prior to the
25 expenditure of general fund money do not apply to the expenditure of revenue made available to the Montana
26 school for the deaf and blind from the negotiated agreements described in subsection (2) of this section and
27 through the statutory appropriation provided for in subsection (4) of this section."

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29 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

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